

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Plaintiff,

v.

No. 13-cr-163 (JNE/JJG)  
ORDER

Paris Cedrell Neal,

Defendant.

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Defendant Paris Cedrell Neal was charged by indictment with four drug and firearm offenses. At a change of plea hearing on October 9, 2013, Neal pled guilty to Counts 2 and 4 of the Indictment, under which he had been charged with distribution of cocaine base in violation of 21 U.S.C. §§ 841(a)(1) and 841(a)(1)(C) and with being a felon in possession of firearms in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On February 3, 2014, the Court sentenced Neal to a total term of 235 months imprisonment to be followed by three years of Supervised Release. Neal appealed. Notice of Appeal, ECF No. 45. That appeal is currently pending at the Eighth Circuit. *See* Appeal No. 14-1323.

Neal has now filed with this Court a pro se Motion to Withdraw Plea and/or a Indicative Ruling, in which he seeks “leave to withdraw his Plea and proceed to trial for fair and just reason.i.e. [sic] The Plea was involuntary and given by a mentally incompetent Defendant on the advise [sic] of a ineffective and incompetent counsel.” ECF No. 57. The government opposes the motion.

Under Federal Rule of Criminal Procedure 11(e), “[a]fter the court imposes sentence, the defendant may not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal or collateral attack.” Because Neal’s direct appeal has not concluded, his

conviction and sentence are not yet final. As a result, the time period in which he could mount a collateral attack has not yet arrived. *See* 28 U.S.C. § 2255(f). *See also U.S. v. Reyes-Contreras*, 349 F.3d 524, 525 (8th Cir. 2003) (“The district court properly denied [the defendant’s] motion to withdraw his plea because it was filed after sentence was imposed.”).

The motion is therefore denied without prejudice.

Based on the files, records, and proceedings herein, and for the reasons discussed above,  
IT IS ORDERED THAT:

1. Defendant’s Motion to Withdraw Plea and/or a Indicative Ruling [ECF No. 57] is  
DENIED WITHOUT PREJUDICE.

Dated: August 26, 2014

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge